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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,163	10/23/2003	Reiner Eschbach	D/A2327	1667

7590 Ortiz & Lopez, PLLC P.O. Box 4484 Albuquerque, NM 87196-4484		07/06/2007
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EXAMINER	
ABEL JALIL, NEVEEN	

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
07/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,163

Applicant(s)

ESCHBACH ET AL.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/4/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4-June - 2007 has been entered.
2. The amendment filed on 4-June -2007 has been received and entered. Claim 37 is pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sigurjonsson et al. (U.S. Pub. No. 2002/0107829 A1) in view of Kobus Barnard and David Forsyth, *Learning the Semantics of Words and Pictures*, IEEE 2001 (From hereon in Barnard et al.).

As to claim 37, Sigurjonsson et al. discloses a method comprising:

obtaining one stored images wherein the one or more stored images are stored within an image database, wherein the stored images are associated with at least one of a multiplicity of keywords (See page 3, paragraph 0030);

obtaining an image and comparing the image to the stored images to identify one or more similar images wherein image similarity is based on at least two factors, wherein one of the at least two factors is closeness in time of image acquisition (See Figure 9A) and wherein another one of the at least two factors is determined using a content based image retrieval module (See page 3, paragraph 0037);

producing at least two primary keywords based on the keywords associated with the similar images (See page 4, paragraphs 0042-0047);

determining at least two primary associations with the primary keywords (See page 3, paragraph 0037);

producing at least two secondary associations that identify at least two finer scale keywords wherein the secondary associations are based on the keyword and the primary associations wherein the database indicate that the finer scale keywords are keywords that are associated and occur when at least one of the primary keywords occurs (See page 3, paragraph 0037, and see page 4, paragraphs 0045-0046);

presenting the primary keywords, the finer scale keywords, and a new keyword selection to a user (See page 4, paragraph 0048);

obtaining one or more accepted keywords from the user wherein the accepted keywords comprise any one of or combination of primary keywords, the finer scale keywords, and one or more new keywords entered via the new keyword selection (See page 4, paragraphs 0049-0050); and

storing the image within the image database and in association with the accepted keywords (See page 3, paragraph 0038); and

updating the keyword wherein the keywords further comprise the accepted keywords (See page 4, paragraph 0048).

Sigurjonsson et al. does not explicitly teach the association of tags to be statistical as claimed to be wherein a multitude of keyword statistics are stored in a database statistics module, and wherein the keyword statistics indicate a probability that one of the keywords is associated with the one of the stored images whenever another one of the keywords is associated with the same stored image; likelihoods of keywords; and updating the keyword statistics. Sigurjonsson et al. teaches multiple tags (keywords) associated with an image and with each other (See page 4, paragraph 0047); and updating the keyword database (See page 4, paragraph 0048).

Barnard et al. teaches wherein a multitude of keyword statistics are stored in a database statistics module, and wherein the keyword statistics indicate a probability that one of the keywords is associated with the one of the stored images whenever another one of the keywords is associated with the same stored image (See page 412, column 2); and

likelihoods of keywords (See page 413);

updating the keyword statistics (See page 414, column 2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Sigurjonsson et al. with the teachings of Barnard et al. to include association of multiple keywords in the same category (i.e. primary scale, finer scale) using statistics and likelihood of occurrence as it allows for

faster automated classification of images for better search as taught in Barnard et al. page 408, column 1.

Response to Arguments

5. Applicant's arguments with respect to claim 37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-Form 892 for list of cited references.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Niveen Abel-Jalil', with a stylized, flowing script.

Neveen Abel-Jalil

June 25, 2007